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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/923,941 | 08/07/2001 | Masahiro Ikariko | F-7110 | 4552 |

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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,941

Applicant(s)

IKARIKO, MASAHIRO

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “AC1” in figure 6B as described on page 13, line 28 of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: A close reading of the specification by the examiner seems to indicate that applicant is actually referring to the “objective” viewing point processing on page 16, line 5 of the specification, rather than the “subjective” viewing point processing. Furthermore, the examiner believes applicant is actually referring to the “subjective” viewing point processing, rather than the “objective” viewing point processing on page 16, line 13 of the specification.

Correction is required.

Claim Objections

3. Claims 6 and 10 are objected to because of the following informalities: In claim 6, line 2, the examiner believes an “a” should be placed between “comprising” and “head”. In Claim 10, line 3, the examiner believes “at” should be placed between “substantially” and “a”. Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3713

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding Claim 1, lines 12-20, the language, "...attacking result judging means for judging means judging whether the attacking result from the enemy character displayed on the monitor is less or greater than a threshold value from the viewing point of the simulated camera...and ...wherein the sound control unit causes a sound effect to be outputted from the first sound generator when the attacking result is greater than the threshold value while" is unclear. One having ordinary skill in the art would be unable to ascertain the scope of the claims because it is unclear what a "threshold value" is referring to. In particular, a "threshold value" could be defining a distance or a number of points gained attacking an enemy character, etc.

Claims 2-10 inherit the deficiency of Claim 1 by dependency.

7. Regarding Claim 7, the language, "wherein the second sound generator including two loudspeakers provided at different positions along the left-right direction of the fighting video game machine." is unclear. Applicant should add language to clearly recite the function of the "second sound generator"

Claim 8 inherits the deficiency of Claim 7 by dependency.

8. Claim 8 recites the limitation "the detected result of the head" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

9. Regarding Claim 10, lines 4-6, the language, "the second sound generator includes a pair of loudspeakers provided above the monitor and left and right sides of the monitor." is unclear.

Art Unit: 3713

The claim recites a pair (two) loudspeakers are provided, but then indicates they are located above the monitor and left and right sides of the monitor. This would indicate three speakers are located on the gaming machine.

10. Applicant should correct the deficiencies noted above, and review the claims to ensure there are no additional informalities.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. As best understood by the examiner, claims 1, 2, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (U.S. 5,862,229).

Shimizu discloses a sound generator synchronized with an image display for generating sound effects having three-dimensional quality on the basis of direction, distance, and other relationships between two displayed objects. Shimizu additionally discloses:

Regarding Claim 1:

- a sound control unit for controlling a sound output corresponding to an attacking result from the enemy character (Column 11, lines 23-32),
- a first and a second sound generators provided in different positions for the sound output corresponding to the attacking result (Figure 1 (42R, 42L), Column 2, lines 10-17, Column 3, lines 57-62, and Column 5, lines 18-65), and

Art Unit: 3713

- attacking result judging means for judging whether the attacking result from the enemy character displayed on the monitor is less or greater than a threshold value from the viewing point of the simulated camera (Figures 3, 5, 12, Column 1, line 50-Column 2, line 3, Column 4, lines 40-44, and Column 5, lines 18-65),
- wherein the sound control unit causes a sound effect to be outputted from the first sound generator when the attacking result is greater than the threshold value while causing it to be outputted from the second sound generator when the attacking result is less than the threshold value (Figures 3, 5, 12, Column 1, line 50-Column 2, line 3, Column 4, lines 40-44, and Column 5, lines 18-65).

Regarding Claim 2:

- the first sound generator is provided in a position distant from the play area and the second sound generator is provided in a position proximate to the play area (Column 5, lines 49-65). The first and second audio signals don't necessarily correspond to the left or right speakers. The first and second audio signals could correspond to either one of the speakers.

Regarding Claim 6:

- further comprising head detecting unit for detecting a position of the head of a game player in the play area along a left-right direction of said fighting video game machine (Column 3, lines 48-62). This is accomplished by the virtual camera which moves the viewpoint via the line of sight of the hero character.

Regarding Claim 7:

- the second sound generator including two loudspeakers provided at different positions along the left-right direction of the fighting video game machine (Figure 1 (42R, 42L)).

Regarding Claim 8:

- the sound control unit controls the outputted sound volumes of the loudspeakers depending upon the detected result of the head of the player along the left-right direction (Column 5, lines 10-65).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (U.S. 5,862,229).

Shimizu discloses that as discussed above regarding Claims 1, 2, and 6-8. However, Shimizu seems to lack explicitly disclosing:

Regarding Claim 9:

- wherein the first sound generator is arranged at a position higher than the monitor while the second sound generator is arranged at a position lower than the monitor.

Regarding Claim 10:

- wherein the first sound generator includes a single loudspeaker provided substantially a central position along a left-right direction of said fighting video game machine and

Art Unit: 3713

the second sound generator includes a pair of loudspeakers, provided above the monitor and left and right sides of the monitor.

However, to one having ordinary skill in the art, it would have been obvious to arrange the loudspeakers as recited in claims 9 and 10 on a gaming machine. To one having ordinary skill in the art at the time of applicant's invention, it was well known to provide audio control systems in video games to create a realistic effect. Therefore, it would have been obvious to arrange the loudspeakers in such a way as to create realistic sounds as a player plays a game.

15. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (U.S. 5,862,229) in view of Kawamoto (U.S. 6,361,439) and in further view of Muehle et al. (U.S. 5,980,254).

Shimizu discloses that as discussed above regarding Claims 1, 2, and 6-8. However, Shimizu seems to lack explicitly disclosing:

Regarding Claim 3:

- the attack is shooting, the sound control unit causes a hitting sound to be outputted from the first sound generator when the attacking result judging means judges that a fired bullet has hit an obstacle displayed before the viewing point of the simulated camera while causing a sound hurtling through the air to be outputted from the second sound generator when the attacking result judging means judges that it has passed beside the viewing point of the simulated camera.

Regarding Claim 4:

- the attack is shooting, the sound control unit causes a hitting sound to be outputted from the first sound generator when the attacking result judging means judges that a

Art Unit: 3713

fired bullet has hit an obstacle displayed at a distance before the viewing point of the simulated camera while causing a hitting sound to be outputted from the second sound generator when the attacking result judging means judges that it has hit an obstacle displayed right before the viewing point of the simulated camera.

Regarding Claim 5:

- the attacking result judging means is adapted to judge that the bullet has hit the viewing point of the simulated camera, and the sound control unit causes a target-hitting sound to be outputted from the second sound generator when the attacking result judging means makes such a judgment.

Kawamoto teaches of a shooting video game wherein the frequency components of the generated sounds are altered according to the distance between the sound generation position and listening position in the virtual game space. Both Kawamoto and Shimizu relate to video games having realistic sound generating means and are therefore analogous art. Furthermore,

Kawamoto teaches:

Regarding Claim 3:

- the attack is shooting, the sound control unit causes a hitting sound to be outputted from the first sound generator when the attacking result judging means judges that a fired bullet has hit an obstacle displayed before the viewing point of the simulated camera (Figures 2, 5, Column 2, lines 49-63, Column 3, lines 31-40, and Column 3, line 59-Column 4, line 7).

Regarding Claim 4:

- the attack is shooting, the sound control unit causes a hitting sound to be outputted from the first sound generator when the attacking result judging means judges that a fired bullet has hit an obstacle displayed at a distance before the viewing point of the simulated camera while causing a hitting sound to be outputted from the second sound generator when the attacking result judging means judges that it has hit an obstacle displayed right before the viewing point of the simulated camera (Figures 2, 5, Column 2, lines 49-63, Column 3, lines 31-40, and Column 3, line 59-Column 4, line 7).

Regarding Claim 5:

- the attacking result judging means is adapted to judge that the bullet has hit the viewing point of the simulated camera, and the sound control unit causes a target-hitting sound to be outputted from the second sound generator when the attacking result judging means makes such a judgment (Figures 2, 5, Column 2, lines 49-63, Column 3, lines 31-40, and Column 3, line 59-Column 4, line 7).

Furthermore, the combination of Shimizu in view of Kawamoto seems to lack explicitly disclosing:

Regarding Claim 3:

- the sound control unit causing a sound hurtling through the air to be outputted from the second sound generator when the attacking result judging means judges that it has passed beside the viewing point of the simulated camera.

However, Muehle et al. teaches of an electronically controlled weapons range with return fire that can be implemented in combat games. Muehle et al., like Kawamoto and Shimizu,

relates to a video game having realistic sound generating means and is therefore analogous art.

Furthermore, Muehle et al. teaches:

Regarding Claim 3:

- the sound control unit causing a sound hurtling through the air to be outputted from the second sound generator when the attacking result judging means judges that it has passed beside the viewing point of the simulated camera (Column 7, lines 12-15).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the audio features of Muehle and Kawamoto in Shimizu. One would be motivated to do so because the system would impart a sense of distance to the sound effects audio without losing the powerful impact of the sound effects audio making the game experience more realistic.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamazaki '011, Kami et al. '324, Maher '669, Matsuo '400, Mukojima et al. '393, Shimizu '660, Lowe et al. '051, Yamada et al. '523, Pryor '617, Doi '418, Koma '150, and Yamamoto et al. '783 disclose fighting or shooting games having realistic sound effects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone

Art Unit: 3713

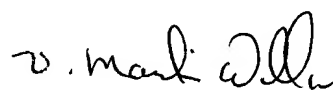
numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej

March 14, 2003



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